

CASE PROCESSING STANDARDS ANALYSIS FAMILY LAW – PRE-DECREE TEMPORARY ORDERS

National Center for State Courts Intermediate Time Standards for Temporary Orders:

98% within 60 days

Measurement: The filing of a motion for temporary orders to the date of disposition of the petition or motion for temporary orders.

Arizona Family Law – Pre-decree Temporary Orders

The following standards have been adopted for Family Law Pre-decree Temporary Orders:

90% within 60 days

98% within 120 days

✓ Only pre-decree temporary orders are included.

Measurement: The filing of a motion for temporary orders to the date of disposition of the petition or motion for temporary orders.

Excluded Time: No excluded time.

Arizona Rules and Statutes	Timelines under Statute and Rule
Motion Filed: Rule 47(a), ARFLP ¹ (Temporary Orders With Notice)	<p style="text-align: center;">(Measurement Starts Here)</p> <p><u>With Notice:</u> A party seeking temporary orders for legal decision-making, parenting time, child support, or spousal maintenance, or concerning property, debt, or attorney fees, must file a separate verified motion with the court setting forth the legal and jurisdictional basis for the motion and the specific relief requested. The motion must be filed after or concurrently with the initial petition.</p>
Rule 48(a), ARFLP (Temporary Orders Without Notice)	<p><u>Without Notice - Motion:</u> A party seeking a temporary order without notice shall do so by filing a verified motion, along with a proposed form of order and a notice of hearing on the motion. The motion may be filed at the same time or after filing an initial pre-decree or post-decree petition.</p>
Rule 48(c), ARFLP	<p><u>Without Notice - Order:</u> A temporary order granted without notice must specify the injury, loss, or damage and why it is irreparable, and state why the order was granted without notice. Temporary orders expire at the date and time set for hearing on the motion, unless extended by the court for good cause.</p>
Rule 48(d), ARFLP	<p><u>Without Notice - Hearing:</u> A hearing must be set on the motion within 10 days from the entry of the order, unless extended by the court for good cause. The nonmoving party may request an earlier evidentiary hearing.</p>

¹ Arizona Rules of Family Law Procedure

Arizona Rules and Statutes	Timelines under Statute and Rule
Rule 48(e), ARFLP	Without Notice - Service: The order and notice of the evidentiary hearing must be served as soon as possible after the order's entry or as the court directs.
Order to Appear: Rule 47(b), ARFLP (Temporary Orders With Notice)	Unless a local rule establishes a different procedure, the moving party must submit to the assigned judicial officer the original and one copy of an order to appear substantially in the form set forth in Form 13, Rule 97. The clerk of the court will file the original order to appear when the assigned judicial officer signs it.
Hearing: Rule 47(b), ARFLP (Temporary Orders With Notice)	<p>Upon receiving a motion for temporary orders, the court must schedule a resolution management conference within 30 days after the motion is filed. If, at the conclusion of the resolution management conference, issues remain that require an evidentiary hearing, the court must schedule an evidentiary hearing on those issues. The evidentiary hearing must be set within 30 days after the conference, unless the parties agree to a different timeframe. The court may extend these timeframes for good cause.</p> <p>Notwithstanding the above, if a party files a pre-decree motion for temporary orders requesting legal decision-making or parenting time, the court must hold an evidentiary hearing within 60 days after the party files the motion unless: (1) the filing party waives the requirement for a hearing within 60 days, (2) temporary orders are established through a separate conference or hearing that is held within 60 days after the party files the motion, or (3) extraordinary circumstances exist and the court is not able to schedule the hearing within 60 days. If the court is not able to schedule the hearing within 60 days after the motion is filed, it must make a written finding on the record regarding the cause of the delay.</p>
Service of Process: Rule 47(d), ARFLP (Temporary Orders With Notice)	The moving party must serve all parties according to Rules 40(f)(1) or 41 with documents described in sections (a) and (b) of Rule 47. The moving party must make good faith efforts to complete service promptly and, absent good cause, must complete service within 5 days after receipt of the issued order to appear and not later than 14 days before the date set in the order.
Response: Rule 47(e), ARFLP (Temporary Orders With Notice)	A party served with an order to appear on a motion for temporary orders is not required to file a response to the motion, but if the party does file a response, the party must verify it. Whether or not the party files a response, the party must fully comply with the requirements of Rule 47(f). Additionally, if the motion requests child support, the party must file a completed child support worksheet. Copies of all filed documents must be provided to the assigned judicial officer and the moving party not later than 3 days before the date set for a conference or hearing.
Conference or Hearing:	

